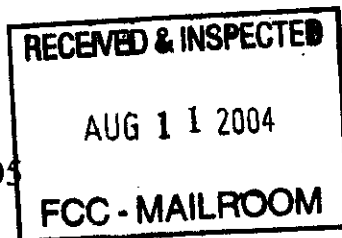


Duane Mantick
203 Plantation Way
Lafayette, IN 47909-6805
August 4, 2004



Marlene Dortch
Secretary of the FCC
445 12th Street SW
Washington, D.C., 20554

Dear Ms. Dortch;

Please accept the enclosed Petition for Rule Making regarding the Amateur Radio Service. Please advise if there are any other items of information that you require. My address is shown at the top of this letter; I can be reached by phone during the day Monday through Wednesday and Friday at 765-471-9600 (work phone); and at my home phone in the evenings or Thursday afternoons at 765-474-4889. My email address is wb9omc@nlci.com if you prefer this method.

I will be unavailable from Saturday, August 7th through Sunday, August 15th while on vacation. However, if I find a means to check my email remotely, I will attempt to do so. US Mail will be held until my return.

Please also advise if there is an electronic means that I can use to follow the progress of the Petition. A notice of receipt will be appreciated, and to that end I am enclosing a second copy of this letter for your use.

Thanks;

A handwritten signature in black ink that reads "Duane Mantick".

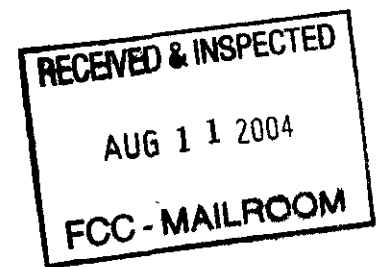
Duane Mantick

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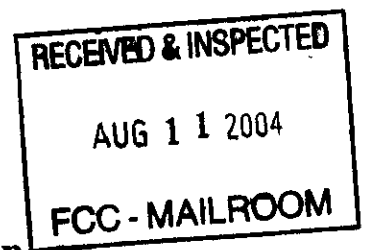
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Duane Mantick



Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
AMENDMENT OF PART 97 OF THE) RM-
COMMISSION'S RULES GOVERNING THE)
AMATEUR RADIO SERVICE GOVERNING)
OPERATING PRIVILEGES; SPECIFICALLY)
SUBPART D, TECHNICAL STANDARDS,)
97.301(e) "AUTHORIZED FREQUENCY)
BANDS" FOR NOVICE AND TECHNICIAN)
(PLUS) CLASS HF TELEPHONY OPERATION)
et al)

To: The Commission

PETITION FOR RULE MAKING

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Appendix: Proposed rule changes

I. SUMMARY

1. The Petitioner, Duane Mantick, WB9OMC, holds an Amateur Extra Class license and has been licensed for over 30 years. The Petitioner is a member of the Board of Directors of NoCode International as well as the Advisory Board of eQSL; in addition Petitioner is a Life Member of both 10-10 International and Quarter Century Wireless Association ("QCWA"). The Petition is a result of considerable experience with 10-10 International while operating on the 10 Meter band as well as discussions within the aforementioned organizations (who are not intended to be represented in this Petition) as well as other Amateur forums. An overall picture has developed of an overcrowding problem in the Amateur 10 Meter band that has a single cause - the so-called "Novice/TechPlus Phone Segment" from 28.3 MHz to 28.5 MHz. The Petitioner requests that the Commission issue a Notice of Proposed Rulemaking at it's earliest convenience with the goal of amending the Amateur Service rules, 47 C.F.R. 97.1 et seq., as described in the this Petition and Appendix. This change will greatly improve the usage of the *entire 10 Meter phone segment* by, in effect, **eliminating** the limited 200 KHz segment aforementioned, and allowing 10 Meter phone operations to "spread out" by allowing current Novice and TechnicianPlus licensees to use the entire 1.4 MHz phone allocation on that band, from 28.3 MHz to 29.7 MHz. This change would not only be more efficient but would have the added benefit of reducing interference between adjacent stations even during crowded contest conditions. This also opens the 10 Meter band for any new entry level licensees, as proposed by both ARRL¹ and NCVEC², who would have HF phone access. The following points should be considered in support of the Petition:

¹ See Petition for Rulemaking, RM-10867, (filed January 27, 2004) by ARRL.

² See Petition for Rulemaking, RM-10870, (filed March 1, 2004) by NCVEC.

II. FCC WISHES TO CONSIDER OPERATING PRIVILEGES

2. In the April 15, 2004 release of NPRM and Order 04-79, the Commission dealt with multiple other Petitions requesting a variety of changes to the Amateur Radio Rules. In Section II, paragraph 5 the Commission notes recent changes in the rules regarding licensing restructuring and their considering operating privileges separately. The Commission states that they ".....concluded that because simplifying the license structure was independent of restructuring operating privileges,³ the amateur service community should have an opportunity to weigh in on such revisions before the Commission considers a comprehensive restructuring of operating privileges.....***On the basis of the petitions before us, we conclude that a comprehensive restructuring of operating privileges is now ripe for consideration.***" Based upon the Commission stating that they wish to consider the topic at this time, Petitioner believes this Petition is timely and should be considered along with other Petitions that similarly request changes to Amateur Operating Privileges.

III. UNNECESSARY OVERCROWDING/UNDERUSE

3. With the Phone allocation on 10 Meters running from 28.3 MHz to 29.7 MHz, a total of 1.4 Mhz, 10 Meters contains the largest single **continuous** Phone segment open to Amateurs in the HF spectrum. "Bottling up" ANY sizeable group to the lower 200 KHz (28.3 to 28.5) can and does result in overcrowding in that segment. The ARRL recognized HF overcrowding in RM-10413⁴ when it wrote ".....other segments of the Amateur HF allocations remained severely overcrowded, and are so today" and (in reference to a survey which the League undertook) "There was substantial support in the survey results for a refarming plan which would result in substantial expansion of the telephony subbands." They further noted a ".....large number of respondents who were Extra Class licensees....." and took note that ".....telephony subband expansion would appear to benefit other classes of licensee to a greater extent than it would benefit Extra Class licensees. It is suggested that this sentiment reflects the significant overcrowding that exists in the HF telephony subbands currently." They specifically recognized the problem on 10 Meters in RM-10413 when they wrote (regarding Novice and TechnicianPlus licensees) "They are presently.....permitted to utilize 200 KHz of the telephony segment (28.300-28.500 MHz).there is, from time to time, substantial overcrowding of the telephony segment in this band.....".

4. In RM-10413, the ARRL did NOT recommend any changes to the current 10 Meter band based upon their survey of January, 2001. Looking at the text of the RM, it would appear that minimal consideration was given to the effects of propagation and little

³ See Notice of Proposed Rulemaking and Order 04-79, released April 15, 2004, WT Docket 04-140, Section II (Background), ¶ 5 last sentence.

⁴ See Petition for Rulemaking, RM-10413, (filed March 22, 2002) by ARRL.

or no consideration was given to the effects of frequent contests, Special Event and DX operations. All of these add considerable congestion to the 28.3 to 28.5 segment. Some specific examples follow, which in no way represent the ONLY causes of congestion in that segment.

5. For reasons that are not altogether clear, a number of DX operators will *transmit* on precisely 28.5 MHz and draw a "pileup" to that frequency. They then announce that they are "listening up" some number of KHz; this has the effect of putting them "out of bounds" for any licensee unable to transmit above 28.5 MHz. This is unfortunate as the experience of this "split" type of contact could be a valuable learning tool to newer Amateurs. In addition, the "pileup" often renders several KHz down from 28.5 MHz totally unusable due to "splatter". While this petitioner has no hard statistics on how common this practice is, it has been heard often enough to be of concern.

6. 10-10 International⁵ is a major user of the 10M band. Most of its operations occur in the phone mode. While said phone operations may be heard anywhere from 28.3 MHz to 29.7 MHz, a substantial percentage occurs from 28.3 MHz to 28.5 MHz. While this allows limited participation by "segment-limited" Amateurs it also inadvertently contributes to the overcrowding of the segment. Removal of the 28.5 MHz segment-end would open a considerable portion of the 10M phone allocation to said "segment-limited" Amateurs and drastically improve the efficiency of 10M phone band usage. The comments of 10-10 have been solicited in this regard.

7. An additional "chain reaction" issue is related to Antenna Restrictions. Nearly any house with an attic space can accommodate an ordinary 10M dipole (as a horizontal wire type) but the same cannot be said of a dipole for 40 or 80 Meters. Thus, Amateurs using "stealth" antenna techniques to circumvent either local ordinances or Deed Restrictions will erect whatever antennas they have space for, and as a consequence of the shorter wavelength such installations will usually include such a dipole antenna for 10 Meters. This means, relative to longer wavelength bands, a probable increase in 10 Meter activity that creates further use and thus likely overcrowding. This issue may be exacerbated because many new Amateurs are not able to afford homes on large lots which are better suited for longer wire antennas; nor are they likely to be able to afford the cost of a tower and sizeable antenna with rotor. So these Amateurs are, once again, going to erect antennas that are small and affordable which translates to an increased probability that 10 Meters will be an HF band of choice. This is yet another potential source for

⁵ 10-10 International is an organization of Amateurs worldwide who are dedicated to the use and preservation of the 10 Meter Amateur band. By the nature of this goal, all of its operating activities, e.g., Awards, Contests, etc., are performed on the 10 Meter band *exclusively*. As a result, two situations arise - first, any changes made to license privileges on the 10 Meter band directly affect 10-10's members activities; second, the activities of the members of 10-10 are very conspicuous on the 10 Meter band. 10-10 has a membership of considerable size, many of whom are very active and make frequent use of the 10 Meter band. More information is available at <http://www.ten-ten.org>.

overcrowding in the 28.3 MHz to 28.5 MHz segment. While opening up the entire phone allocation on 10 Meters will not solve the problem of antenna restrictions, it will spread stations out and help alleviate such overcrowding.

IV. OPPORTUNITIES FOR NEW AMATEURS TO INCREASE EXPERIENCE LEVEL

8 In a recent Article on the ARRL's website,⁶ ARRL CEO David Sumner, K1ZZ suggested that (paraphrasing) the League's plans "would allow new Novices to participate in HF SSB emergency nets on 75 and 40 meters as well as on the top 100 KHz of 15 Meters". An opening of the 10 Meter phone band to all HF licensed US Amateurs would similarly open many opportunities for new Amateurs. There are AM and FM operations above 28.5 Mhz as well as nets and 10 Meter repeaters.

V. MINIMAL IMPACT UPON PART 97 RULES; NO "LOSS" TO OTHER AMATEURS

9. This change is perhaps the least "invasive" change of any that could be made. There is relatively little "segmentation" on the 10 Meter band (compared to other HF allocations),⁷ meaning little if any "refarming" (in the conventional sense) would be required. With the simple elimination of the 28.5 MHz "segment end", all licensed Amateurs with HF privileges would be able to mix freely in a large phone band without requiring anything or anyone to be "moved" or "relocated". Power levels for Novice and Technician Class licensees need not be changed, and as the ARRL points out in RM-10413, this means minimal change to Part 97 rules.

10. There is no "loss" to anyone in the action. Any alleviation of overcrowding also should reduce the potential for interference between stations. Nets that meet currently above 28.5 MHz and are thus out of reach of the currently affected licensees should enjoy greater participation. General Class and higher licensees will see an increased opportunity both to set a good example and to further "Elmer" newer Amateurs. 10-10's goal of furthering the "use and preservation" of the 10 Meter band would be tremendously enhanced, allowing them to fulfill the suggestion from the FCC's Riley Hollingsworth to the Castle Craig Chapter of 10-10. Mr. Hollingsworth spoke at a meeting of the Middlesex Amateur Radio Club and the Meriden Amateur Radio Club (which includes the Castle Craig Chapter) in Wallingford, CT., on August 28, 2000 with special guests Jim Haynie, W5JBP who was President of the ARRL; Tom Frenaye, K1KI who was New England Division Director; and Betsy Doane, K1IEC who was the ARRL

⁶ "ARRL to Propose New Entry-Level License, Code-Free HF Access"; ARRL Web, <http://www2.arrl.org/news/stories/2004/01/19/1/?nc=1>, January 19, 2004.

⁷ "ARRL's FCC Rule Book"; 12th Edition, 2000, Chapter 4, Pages 4-6 through 4-12 give excellent graphic examples of the HF Spectrum privileges with regard to size and segmentation.

Connecticut Section Manager. As reported by the 10-10 Newsletter,⁸ Mr. Hollingsworth said (quoting the article) "we MUST use.....our Amateur Radio frequencies if we are going to protect them from loss to other services. He [Hollingsworth] was very sure to mention the 10 Meter band and stressed the use of the *whole band rather than just concentrating all our communications on just the small portion from 28.3 to 28.5.*" The ARRL petition appears to support the prevention of any "loss" and wrote "There remain significant numbers of Novice and Technician-Plus licensees.....They must not be disaccommodated in any refarming plan." Petitioner also notes in the FCC NPRM and Order 04-79 Section I paragraph 11 that ARRL's related proposal⁹ (which FCC "applauded") similarly caused ".....no licensees...." to ".....lose any spectrum privileges....". The Commission also noted their opinion that "....phone emissions...." are "....one of the most popular operating modes on the HF bands." As there is ample evidence that the FCC agrees with a "no-loss" policy and that phone is very popular, consideration of a no-loss request such as this Petition seeks seems attractive to the Commission and potentially to the broader amateur service community as noted above in Mr. Hollingsworth's comments.

VI. ACTION IS NOT JUST A "GIVEAWAY"

11. There may be Amateurs who will suggest that this amounts to a "giveaway" that detracts from the concept of "earning privileges through upgrading". I submit that many of us who are longtime Amateurs may indeed perceive the recent and upcoming changes in such a way; however it should be noted that this 28.5 MHz "segment end" is the product of an old licensing scheme that the Commission has already partly scrapped and will continue to modify. Largely, this began with the creation of the NoCode Technician License and continued with the *Report and Order*¹⁰ issued December 30, 1999 (which eliminated issuance of 3 classes of license effective April 15, 2000). Morse Exams at 13 WPM and 20 WPM have been eliminated, and with the removal of any International Morse requirement at WRC-03, the 5 WPM exam may also be eliminated in the near future. These changes are the beginning of an entirely new licensing structure for U.S. Amateurs that will reflect and should reflect the changing needs and future of Amateur Radio, as well as the relationship of the U.S. Licensing Structure to the broader International Amateur community.

⁸ "10-10 International News", Volume 38, Issue 4, October 2000 (Fall), Page 7, "Riley Hollingsworth Speaks to MARC and MARS"; Al Kaiser N1API.

⁹ See Petition for Rulemaking, RM-10413, (filed March 22, 2002) by ARRL.

¹⁰ See 1998 Biennial Regulatory Review -- Amendment of Part 97 of the Commission's Amateur Service Rules, *Report and Order*, WT Docket 98-143, 15 FCC Rcd 315, 316 ¶ 3 (1999) (*License Restructure Report and Order*), which reduced to three the number of amateur service operator licenses for which an individual may qualify (the Technician Class, General Class, and Amateur Extra Class operator licenses) and reduced the number of examination elements from eight to four.

12. In NPRM and Order 04-79, the Commission notes that Novice and Technician Plus licensees ".....can easily upgrade.....thereby obtaining access to significantly more spectrum and greatly increasing the chance of establishing contacts with other amateur radio stations." with regard to the Rippey Petition,¹¹ whose purpose appeared to be broader in scope than this Petition, covering several HF bands and multiple modes. In response to the Rippey petition, the FCC noted that the number of Novice and Technician Plus licensees had declined, and stated ".....we should address operating privileges for these license classes only in a comprehensive restructuring of operating privileges for all license classes." In this Petition's Section I above, Petitioner notes that this Petition may thus be timely to be considered with both the ARRL¹² and NCVEC's¹³ more recent petitions which seek changes to operating privileges.

13. In further reference to the Rippey petition,¹⁴ the Commission notes that the numbers of Novice and Technician Plus licensees have dropped, from September 30, 1997 and May 1, 2003, from 65,142 to 34,666 and 138,078 to 69,362 respectively. This still leaves 104,028 licensees of both classes combined who **must** be considered. The **reasons why** this substantial number have **not** upgraded could be debated ad infinitum but are most certainly less relevant to this Petition and discussion than the simple fact that they have not. In addition to this number, both ARRL¹⁵ and NCVEC¹⁶ have proposed a new entry level license class and while the specifics of those proposals have a number of differences, they both appear to include access to HF phone spectrum. So while the numbers of *current entry-level licensees* are declining, approval of a new entry-level license with HF privileges could well **offset these losses and cause the number of entry level licensees with HF phone privileges to again INCREASE with a corresponding potential for overcrowding in the 10 Meter "entry level" HF segment as currently implemented. Opening the ENTIRE 10 Meter phone allocation to ALL "entry level" licensees will simplify the situation on that band in all respects.** This will benefit **ALL** users of the 10 Meter phone allocation as outlined elsewhere in this Petition.

VII. CONCLUSIONS

¹¹ See Petition for Rulemaking, RM-10354, (filed Dec. 17, 2001) by Mr. John S. Rippey.

¹² See Petition for Rulemaking, RM-10867, (filed January 27, 2004) by ARRL.

¹³ See Petition for Rulemaking, RM-10870, (filed March 1, 2004) by NCVEC.

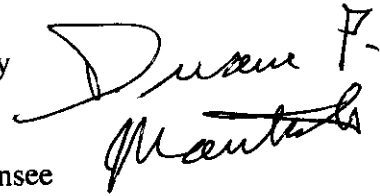
¹⁴ See Petition for Rulemaking, RM-10354, (filed Dec. 17, 2001) by Mr. John S. Rippey.

¹⁵ See Petition for Rulemaking, RM-10867, (filed January 27, 2004) by ARRL.

¹⁶ See Petition for Rulemaking, RM-10870, (filed March 1, 2004) by NCVEC.

14. Petitioner asks the FCC to remove the "Novice and Technician (with code) Phone segment" of the 10 Meter band by simply removing the 28.5 MHz "segment end" and allowing ALL U.S. HF licensed Amateurs access to the entire 10 Meter phone allocation from 28.3 MHz to 29.7 MHz. Petitioner believes this change will alleviate overcrowding in the 28.3 MHz to 28.5 MHz segment; simplify both the licensing structure as well as other parts of the Part 97 Rules; provide increased learning opportunities to newer Amateurs and create a more open and modern access to the 10 Meter band phone allocation for U.S. Amateurs. Petitioner sees no negative effects, and considering the foregoing material, respectfully requests that the Commission issue a Notice of Proposed Rulemaking at its earliest practical convenience, proposing the simple rule changes set forth herein, and in the Appendix attached hereto.

Respectfully submitted by
Duane P Mantick
WB9OMC
Amateur Extra Class licensee

A handwritten signature in black ink, appearing to read "Duane P. Mantick", with a stylized flourish at the end.

NOTE: Petitioner wishes to thank Larry Klose, KC8EPO, for his assistance in the preparation of the Appendix.

VIII. ADDENDUM

15. Since the initial drafting of this Petition, the NCVEC (National Committee of Volunteer Examiner Coordinators) has filed a Petition assigned RM-10870.¹⁷ This Petitioner has examined the NCVEC document and believes it not only unsatisfactory in its treatment of the 10 Meter phone band, but actually a step in the WRONG direction. NCVEC proposes further segmenting the 10 Meter phone band by allocating a 29.0 MHz to 29.7 MHz segment to their proposed new "Communicator Class" licensees *as well as* allowing them access to the current 28.3 MHz to 28.5 MHz segment (the current "Novice/Technician-with-code" phone segment). It seems to this Petitioner that one of the goals of the broader process of Restructuring is to "de-segment" the U.S. allocations to match the rest of the revised licensing structure.¹⁸ It makes sense to avoid further segmentation and the resulting confusion that it can cause. This Petitioner sees no valid reason for entry level licensees to have **TWO SEPARATE** phone allocations in the same band. If a goal of the process (examining NCVEC's petition) is to give their proposed "Communicator Class" licensees more "exposure" to different modes by allowing them access to a part of the 10 Meter band where FM use is common, simply opening the entire 10 Meter phone allocation will yield even greater exposure with less segmentation and confusion.

¹⁷ See Petition for Rulemaking, RM-10870, (filed March 1, 2004) by NCVEC.

¹⁸ See Notice of Proposed Rulemaking and Order 04-79, released April 15, 2004, WT Docket 04-140, Section II (Background), ¶ 5.

APPENDIX

PROPOSED RULES

(NOTE: all comments within bracket style [] are those of the Petitioner. Comments in *Italics* are those for which Petitioner realizes certain ambiguities exist depending upon the result and disposition of other Petitions mentioned in the main body of this Petition; in such cases it is expected that the FCC will use such language as it sees fit in the event that it should accept the proposals herein and such language as is applicable as relates to other Petitions being considered by the FCC at that time.)

Title 47 of the Code of Federal Regulations, Part 97, is amended as follows:

PART 97 - AMATEUR RADIO SERVICE

1. Section 97.301(e) is amended to read as follows:

§97.301 Authorized frequency bands

* * * * *

(e) For a station having a control operator who has been granted an operator license of Novice Class or Technician Class and who has received credit for proficiency in telegraphy in accordance with the International requirements in existence prior to WRC-03; or a station having a control operator holding an [provisional language] *entry level license* which permits telephony operation in the HF spectrum.

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements, see §97.303, paragraph:
HF	MHz			
80 m	3.675-3.725	3.675-3.725	3.675-3.725	(a)
40 m	7.050-7.075	7.10-7.15	7.050-7.075	(a)
15 m	21.10-21.20	21.10-21.20	21.10-21.20	
10 m	28.1-29.7	28.1-29.7	28.1-29.7	

2. Section 97.307(f) is amended to read as follows:

§97.307 Emission Standards

* * * * *

(f)(10) A station having a control operator holding a Novice Class operator license or a Technician Class operator license and who has received credit for proficiency in telegraphy in accordance with the international requirements in existence prior to WRC-03; or a station having a control operator holding an [provisional language] *entry level license* which permits telephony operation in the HF spectrum may transmit a CW emission using the international Morse code or phone emissions A3E, F3E, J3E, R3E.

3. Section 97.313(c)(2) is amended to read as follows:

§97.313 Transmitter power standards

* * * * *

(c)(2) The 28.1 to 29.7 MHz segment when the control operator is a Novice Class operator or a Technician Class operator who has received credit for proficiency in telegraphy in accordance with the international requirements in existence prior to WRC-03; or a station having a control operator holding an [provisional language] *entry level license* which permits operation in the HF spectrum.